

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DAVID POST,

Defendant.

STIPULATION AND ORDER

14 Cr. 715 (AKH)

WHEREAS, on or about October 24, 2014, David Post (the "Defendant") was charged in a four-count Information, 14 Cr. 715 (AKH) (the "Information"), with conspiracy to commit securities fraud, in violation of Title 18, United States Code, Section 371 (Count One); and securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2, and Title 18, United States Code, Section 2 (Counts Two through Four);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Four of the Information seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the securities fraud offenses alleged in Counts One through Four of the Information;

WHEREAS, on or about October 24, 2014, the Defendant plead guilty to counts One through Four of the Information pursuant to a plea agreement with the Government wherein the Defendant admitted the forfeiture allegation in the Information and agreed to forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable

to the commission of the securities fraud offenses alleged in Counts One through Four of the Information;

WHEREAS, in anticipation of this Court's entry of an Order of Forfeiture/Money Judgment in this matter, the Defendant wishes to pay a portion of his forfeiture obligation in advance of his sentencing and the entry of an Order of Forfeiture/Money Judgment in this matter;

WHEREAS, the Government and the Defendant agree that the Defendant shall send a postal money order, bank or certified check in the amount of \$598,948.12 (the "Payment"), made to the United States Marshals Service, and delivered to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number; and

WHEREAS, the parties agree that the Payment shall be held by the United States Marshals Service in the Seized Asset Deposit Fund until the entry of an Order of Forfeiture/Money Judgment, at which time the Payment shall be applied as a partial payment towards the Money Judgment entered against the Defendant;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED TO, AND ORDERED that:

1. The Defendant shall send a postal money order, bank or certified check in the amount of \$598,948.12 (the "Payment"), made payable to the United States Marshals Service, and delivered to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

2. The Payment shall be held by the United States Marshals Service in the Seized Asset Deposit Fund until the entry of an Order of Forfeiture/Money Judgment.


3. Upon entry of an Order of Forfeiture/Money Judgment in this matter the Payment shall be applied as a partial payment towards the Money Judgment entered against the Defendant.

4. This agreement represents the complete agreement of the parties and cannot be amended without written consent of all parties.

5. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Faxed and electronic copies shall be treated as originals.

AGREED AND CONSENTED TO:


PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By: 
EDWARD Y. KIM
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2401


DATE

--- SIGNATURES CONTINUED ON THE NEXT PAGE ---

DAVID POST

By: 
DAVID POST12/29/14
DATEBy: 
CRAIG CARPENITO, ESQ.
Attorney for Defendant
Alston & Bird, LLP
90 Park Avenue
New York, NY 1001612/29/14
DATE

SO ORDERED:


HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE12/30/14
DATE